

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application are made unpatentable or obvious under the provisions of 35 U.S.C. §§ 112 and 103. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIM 32 UNDER 35 U.S.C. § 112

The Examiner rejected claim 32 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that the limitation of "... frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address..." is not clear as to how user data is translated into an address. The Applicants respectfully submit that simply because a claim does not specifically recite the exact details of a step does not render the claim defective under 35 U.S.C. § 112. The only requirement under 35 U.S.C. § 112 is that "the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention." The step of translating the user data within at least one of the frame relay data packets into a fast packet address is supported by Applicants' specification. Therefore, the Applicants respectfully submit that claim 32, as currently written, fully satisfies the requirements under 35 U.S.C. § 112, second paragraph and request that the rejection be withdrawn.

II. REJECTION OF CLAIMS 32, 34 AND 35 UNDER 35 U.S.C. § 103

The Examiner has rejected claims 32, 34, 35 and 80 in the Final Office Action under 35 U.S.C. § 103 as being unpatentable over by Katsube, et al. (U.S. Patent 5,930,259, issued on July 27, 1999, hereinafter referred to as "Katsube") in view of Lee, et al. (U.S. Patent 6,023,470, issued on February 8, 2000, hereinafter referred to as "Lee"). The Applicants respectfully traverse the rejection.

Katsube teaches a packet transmission node device realizing packet transfer scheme and control information transfer scheme using multiple virtual connections. A packet transmission node which realizes a packet transfer scheme in which a plurality of virtual connections for different qualities of service are set up in correspondence to a

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

multicast destination address, and output virtual connection identifiers are stored in correspondence to destination addresses in a routing table, so that a packet is transferred to output virtual connections determined by referring to the routing table according to a destination address of a packet. (See Katsube, Abstract.)

Lee teaches point of presence (POP) for digital facsimile network with virtual POPs used to communicate with other networks. A fax network for communicating fax transmissions over either a conventional public switched telephone network or a digital (frame relay) network based on a telephone number of a destination fax machine is disclosed. (See Lee, Abstract.)

The Applicants respectfully submit that Katsube and Lee, alone or in any permissible combination, fail to teach or suggest a network comprising a frame relay switch wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths, as positively claimed by Applicants in independent claim 32. Specifically, Applicants' amended independent claim 32 recites:

32. A network comprising:

customer premises equipment;

a frame relay switch coupled to the customer premises equipment with at least one permanent virtual circuit and receiving a plurality of frame relay data packets, the frame relay switch for translating user data within at least one of the frame relay data packets into a fast packet address;

wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths, and configured to determine a quality of service of the plurality of different service categories responsive to layer 4 data. (Emphasis Added)

In one embodiment, the Applicants' invention teaches that layer 4 data may be utilized to determine a quality of service of a plurality of different service categories. (e.g., See Applicants' specification, page 16, line 12 – page 17, line 1.) For example, the switch can use the IP addresses and/or TCP logical ports to make quality of service (QOS) decisions. (e.g., See Applicants' specification, page 13, lines 7-9).

Additionally, in one embodiment, the Applicants' invention teaches that the switch is responsive to a plurality of service categories. The service categories may include

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

different types of communication paths such as, for example, the public internet, communication via a local intranet, communication within a closed user group (CUG), communication with an extranet, live audio/video transmission, multicasting, telephony over IP, or any combination thereof. (e.g., See Applicants' Specification, Page 13, Lines 15-21.) As such, Applicants' invention teaches a frame relay switch that is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths.

Katsube fails to teach or to suggest a network comprising a frame relay switch wherein the frame relay switch is responsive to a plurality of different service categories, said plurality of different service categories is supported over a plurality of different types of communication paths because Katsube only teaches that the connections being set up corresponding to different qualities of service are all the same type of communication path (i.e. virtual circuit connections). (See Katsube, generally.) In contrast, Applicants' invention teaches that the plurality of different service categories is supported over a plurality of different types of communication paths.

Moreover, Lee fails to bridge the substantial gap left by Katsube. Lee only teaches a fax network for communicating fax transmissions over either a conventional public switched telephone network or a digital (frame relay) network based on a telephone number of a destination fax machine. (See Lee, Abstract.) As such, the combination of Katsube and Lee does not make obvious Applicants' invention as claimed in independent claim 32.

In addition, dependent claims 34, 35 and 80 depend from claim 32 and recite additional limitations. As such, and for the exact same reason set forth above, the Applicants submit that claims 34, 35 and 80 are also patentable over Katsube and Lee and respectfully request the rejection be withdrawn.

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

Conclusion


Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §§ 112 and 103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

May 21, 2007

Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702


Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404